

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Carol Coghlan Carter, et al.,

No. CV-15-01259-PHX-NVW

Plaintiffs,

MEMORANDUM

V.

Kevin Washburn, et al.,

Defendants.

Plaintiffs' Motion for Leave to File First Amended Complaint (Doc. 150), filed today, states that the parties are awaiting the Court's decision on Defendants' motions to dismiss (Docs. 68, 70) and seeks leave to add additional parties as plaintiffs as well as a count pertaining to nominal damages under Title VI of the Civil Rights Act. Because the motions to dismiss involve extensive briefing regarding substantial issues of standing and justiciability, the Court thinks it wise to rule based on the circumstances of the actual plaintiffs in the action, which will change if the amended complaint is permitted. This is especially important because this is a putative class action.

If the amended complaint is permitted and any party wishes to challenge it by motion to dismiss, parties may incorporate by reference the briefing on the pending

1 motions. They may supplement with additional briefing based on the circumstances of
2 any new plaintiff.

3 Dated this 2nd day of March, 2016.

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Neil V. Wake
United States District Judge